IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

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WAMP.NO. 3887 OF 2004 & WA.NO. 2223 OF 2004:

WAMP.NO. 3887 OF 2004.

IN

WRIT APPEAL NO : 2223 of 2004

(Petition filed under Section 151 C.P.C., praying that this Hon'ble Court may be pleased to grant leave to the petitioners herein to prefer the present writ appeal against the order made in W.P.No.21423 of 2004 dated 25.11.2004)

Between:

1 Beedilli Ganga Raju, s/o Appala Swamy,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
2 Elle Bhujagaiah, s/o Musalaiah,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
3 Matha Appa Rao, s/o Naga Raju,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
4 Matha Rajabbai, s/o Pochaiah,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
5 Bunga Devadasu, s/o Soorayya,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.

6 Perelli Subba Rao, s/o Sathayya,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
7 Chinnam Dhanuvulu, s/o Subbaiah,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.

8 Matha Relliyya, s/o Naga Raju,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.

..... PETITIONERS.

AND

1 Gummalla Sai, s/o Sri Appa Rao,
r/o Door No.14-73, Biccavolu Village & Mandal, E.G.District.
2.Tirubilli Ramana, s/o Sri Tata Rao,
r/o Door No.2-80, Biccavolu Village & Mandal, E.G.District.
3.Sidda Nuka Raju, s/o Sri Rayudu,
r/o Door No.14-76, Biccavolu Village & Mandal, E.G.District.
4.Potapudi Appa Rao, s/o Sri Sattayya,
r/o Door No.13-225, Biccavolu Village & Mandal, E.G.District.
5.Bulipa Simhachalam, s/o Bulipa Surayya,
r/o Door No.2-81, Biccavolu Village & Mandal, E.G.District.
6.Katturi Rajayya, s/o Sri Venkanna,
r/o Door No.13-26, Biccavolu Village & Mandal, E.G.District.
7.T.Suri Babu, s/o late T.Tatayya,
r/o Door No.14-1, Biccavolu Village & Mandal, E.G.District.
8.The Andhra Pradesh Bhoodan Yagna Board, Gandhi Bhavan, Hyderabad rep., by its Secretary.
9.The Mandal Revenue Officer, Biccavolu Mandal, E.G.District.

.....RESPONDENTS

Counsel for the Petitioners : MR.V.VENKATARAMANA

Counsel for the respondent Nos. 1 to 7: MR. C.V. MOHAN REDDY.

Counsel for the respondent No.8: MR. CHAYANAM RAVINDRANATH.

WRIT APPEAL NO : 2223 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/11/2004 in WP NO : 21423 OF 2004 on the file of the High Court.)

Between:

1 Beedilli Ganga Raju, s/o Appala Swamy,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
2 Elle Bhujagaiah, s/o Musalaiah,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.
3 Matha Appa Rao, s/o Naga Raju,
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& Mandal, E.G.District.
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& Mandal, E.G.District.
7 Chinnam Dhanuvulu, s/o Subbaiah,
Agricultural Coolie by Profession, r/o Biccavolu Village

& Mandal, E.G.District.

8 Matha Relliyya, s/o Naga Raju,
Agricultural Coolie by Profession, r/o Biccavolu Village
& Mandal, E.G.District.

..... APPELLANTS

AND

1.Gummalla Sai, s/o Sri Appa Rao,
r/o Door No.14-73, Biccavolu Village & Mandal, E.G.District.

2.Tirubilli Ramana, s/o Sri Tata Rao,
r/o Door No.2-80, Biccavolu Village & Mandal, E.G.District.
3.Sidda Nuka Raju, s/o Sri Rayudu,
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4.Potapudi Appa Rao, s/o Sri Sattayya,
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5.Bulipa Simhachalam, s/o Bulipa Surayya,
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6.Katturi Rajayya, s/o Sri Venkanna,
r/o Door No.13-26, Biccavolu Village & Mandal, E.G.District.
7.T.Suri Babu, s/o late T.Tatayya,
r/o Door No.14-1, Biccavolu Village & Mandal, E.G.District.
8.The Andhra Pradesh Bhoodan Yagna Board, Gandhi Bhavan, Hyderabad rep., by its Secretary.
9.The Mandal Revenue Officer, Biccavolu Mandal, E.G.District.

.....RESPONDENTS

Counsel for the Appellants : MR.V.VENKATARAMANA
Counsel for the respondent Nos. 1 to 7: MR. C.V. MOHAN REDDY.
Counsel for the respondent No.8: MR. CHAYANAM RAVINDRANATH.

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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WAMP.NO. 3887 OF 2004:

Heard. Leave granted.

WA NO. 2223 OF 2004:

1 . Appellants were not parties to the writ petition, which was filed by respondents 1 to 7 impleading respondents 8 and 9 as respondents 1 and 2

in the writ petition. Writ petitioners questioned the action of 8th respondent herein in R.No.E/653/94, dated 31.07.2004, in canceling allotment of the land in question, as arbitrary, illegal and violative of principles of natural justice.

2. Writ petition was filed on 22.11.2004. When it came up for admission, learned single Judge disposed it of after noticing the stand which the writ petitioners had taken that order impugned in the writ petition had been passed in violation of the principles of natural justice stating that show cause notice dated 02.06.2004 was issued calling for explanation. Without affording a reasonable opportunity, impugned proceedings were issued by respondent No.1 in the writ petition. Learned single Judge disposed of the writ petition on 25.11.2004 and set aside the proceedings dated 31.07.2004 issued by 1st respondent in the writ petition with direction to it to give a reasonable opportunity to the writ petitioners in accordance with the provisions of Section 14 of the Andhra Pradesh Boodan and Gramdan Act, 1965 (for short 'the Act') and take appropriate decision, with further direction that till decision is taken, possession of the writ petitioners shall not be disturbed.

3. Grievance of the appellants herein is that before the writ petition was filed, they had already been assigned the land by the Bhoodan Yagna Board on 18.11.2004 by issuing pattas and were put in possession on 25.11.2004. These facts, according to the appellants, were not brought to the notice of the learned single Judge and thus they are feel aggrieved by the order passed by the learned single Judge.

4. We have heard learned counsel for the parties.

5. Learned counsel for the appellants as well as learned counsel for the writ petitioners assert that they are in possession of the land. In this appeal we are not going into the question as to whether appellants were or were not duly put in possession of the property on 25.11.2004 or whether possession of the

land is with the writ petitioners or not. But it is a fact that writ petitioners were the earlier assignees and by proceedings dated 31.07.2004 allotments were cancelled over the respective lands, which proceedings now stand set aside with direction to A.P. Bhoodan Yagna Board, respondent No.8 herein, to give a reasonable opportunity to the writ petitioners in accordance with the provisions of Section 14 of the Act and take appropriate decision thereupon. In the event of explanation of the writ petitioners is accepted, obviously there will not be any occasion for further allotment and any action taken by Bhoodan Yagna Board after 31.07.2004 must fall to the ground and appellants herein will have no right over the land. But in the event of Bhoodan Yagna Board reiterates its earlier decision, appellants rights will become enforceable.

6 . Therefore, we dispose of this appeal with direction that status quo as regards possession of the land in question shall continue to be maintained as on the day on which writ petition was disposed of, namely, 25.11.2004, and A.P. Bhoodan Yagna Board will complete the process of affording opportunity to the writ petitioners in accordance with the provisions of Section 14 of the Act as expeditiously as possible and pass appropriate orders thereupon, preferably within a period of three months from the date of receipt of a copy of this judgment from this Court. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 28.12.2004.

VRK.

Note:

Operative portion by wire at

Parties cost.

(BO)

To

1. The Secretary, A.P. Bhoodan Yagna Board, Gandhi Bhavan, Hyderabad.
2. The Mandal Revenue Officer, Biccavolu Mandal, East Godavari District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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WAMP.NO.3887 OF 2004

AND

WA NO. 2223 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 28.12.2004.

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